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HIGH COURT OF CHHATTISGARH, BILASPUR

W.P. (S) No. 3991 of 2007

PETITIONER Manharan Lal Patwa, s/o Shri Lalji, aged about 45 years, Occupation Helper, Water Resources Department, Sub-Division Electrical/Mechanical, FOM, Water resources, Bilaspur (C.G)

Versus

RESPONDENTS

1. State of Chhattisgarh, through the Secretary, Water Resources, D.K.S. Bhawan, Raipur (C.G).
2. The Chief Engineer Mahanadi Project, Water Resources Raipur (C.G)
3. The Executive Engineer, Electrical/ Mechanical, Earth Moving Machinery Divn., Water Resources, Bilaspur (C.G)
4. The Sub-Divisional officer, Electrical/Mechanical, FOM Water Resources Sub- Division, Bilaspur, C.G.
5. Bhagwati Vasnik, s/o Haricharan, aged about 53 years, Occupation Tractor Driver, Electrical/Mechanical, Water Resources Department, Raipur (C.G)

WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA

Appearance:

Ms. Purnima Singh, counsel for the petitioner.

Shri A.S. Kachhawaha, Govt. Advocate with Ms.Sunita Jain, P.L. appears for the State/respondent no.1 and other respondents on advance copy.

ORAL ORDER
(19.09.2007)

SUNIL KUMAR SINHA, J.

Heard finally with the consent of the parties.

This matter relates to promotion. Earlier to this petition, the petitioner had filed W.P.No.528/06 in which it was contended that persons junior to the petitioner have been promoted, but the petitioner has not been promoted. On 2.2.2006 when the said petition came up for hearing before the High Court, the petitioner made a prayer that he may be given an opportunity to file a detailed representation before the

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competent authority of the respondents, which shall be considered on its own merits in accordance with law. On such prayer made by learned counsel for the petitioner, the said petition was finally disposed of and a direction was given to the petitioner to make a detailed representation raising his grievances before the competent authority of the respondents alongwith a copy of the petition and the said order within 4 weeks from the said date and on such representation being filed, the competent authority of the respondents were directed to decide the same on its own merits, in accordance with law, as early as possible preferably within a period of 4 months from the date of receipt of the representation. It was further directed that if required, the petitioner may also be heard.

The present petition is that though the representation was filed in time but the same was not disposed of. Alongwith writ petition a copy of the representation has been filed which shows the date of 17.2.2006. It is stated that when the representation was not decided in time, a legal notice was given to the concerned authority on 24.2.2007 and in reply to the said notice, the concerned authority had sent a memo to the counsel for the petitioner on 2.3.2007 in which it has been stated that representation was not filed in time and it was filed on 27.4.2006 whereas according to the earlier order of the high Court, it ought to have been filed on or before 3.3.2006, therefore, the representation was not considered.

Be that as it may, looking to the controversy arose between the parties, without expressing any view on the merits of the case, it is directed that the petitioner shall file a fresh representation before the concerned authority once again within a period of 4 weeks from today and if such a document is filed alongwith copy of this order and copy of this writ petition, the same shall be disposed of by the concerned authority within a period of two months from the date of filing of the said representation in accordance with law. It is made clear that this order has been passed giving due respect to the memo issued by the concerned authority on 02.3.2007 to the counsel for the petitioner. It is expected, this time a final decision shall be taken in the matter.

With the aforesaid observations, this petition stands finally disposed off.

Sd/-
Sunil Kumar Sinha
Judge

/Rao/